



WEB COPY



W.P.No.19883 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.19883 of 2022

S.Palanivel

.. Petitioner

Versus

1.The District Collector,
O/o.the District Collector,
Kallakurichi District.

2.The Tahsildar,
O/o. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

3.Sivaraj

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the respondents 1 and 2 to remove the encroachment made by the third respondent in the Government land in Survey No.90/1G to an extent of 0.5 cents situated at Moongilthuraipattu Village, Sankarapuram Taluk, Kallakurichi District, based on the representation dated 11.05.2022 made by the petitioner.

For Petitioner

: Mr.G.Balamanikandan

For R1 & R2

: Mr.P.Muthukumar, State Govt. Pleader

For R3

: Mr.R.Rajarajan

ORDER



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(Order of the Court was delivered by The Hon'ble Acting Chief Justice)

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Mr.S.Palanivel, son of Subbarayan, residing at Moongilthuraipattu Village, Sankarapuram Taluk, Kallakurichi District, has filed this writ petition seeking for issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the third respondent in Survey No.90/1G to an extent of 0.5 cents of the Government land situated at Moongilthuraipattu Village, Sankarapuram Taluk, Kallakurichi District.

2. When the matter is taken up, Mr.P.Muthukumar, learned State Government Pleader, for the respondents 1 and 2, produced a written instruction of Mr.V.C.Saravanan, Revenue Tahsildar, Sankarapuram Taluk, Kallakurichi District, dated 18.10.2022, whereby it is stated that after inspection and verification with village accounts, it is found that the land in S.No.90/1 having an extent of 0.98.50 (2.43 acres) is classified as Assessed Punjai Tharisu and in the said land, 50 persons are residing by constructing residential houses and no encroachment was made by the third respondent in S.No.90/1G as alleged by the petitioner. It is further stated that as the said land comes under the category of unobjectionable poramboke land, the Government is planning to regularise the encroachment by granting house site patta under RSO.No.21 and as per the guidelines issued in G.O.Ms.318, Revenue Department, dated 30.08.2019.

3. Therefore, as could be seen from the letter dated 18.10.2022 of the Revenue Tahsildar, Sankarapuram Taluk, it is clear that no encroachment was made in the subject land i.e., in S.No.90/1G by the third respondent as alleged by the petitioner in this writ



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petition. Secondly, there are 50 persons residing in S.No.90/1 having an extent of 2.43 acres classified as Assessed Punjai Tharisu by constructing residential houses and for those 50 persons, the Government is planning to grant house site patta as the land in S.No.90/1 comes under the category of unobjectionable poramboke land. Therefore, since no encroachment has been made by the third respondent in S.No.90/1G as alleged by the petitioner, we do not find any merit in the writ petition and accordingly, it is dismissed. No Costs.

(T.R., ACJ.) (D.K.K., J.)
07.11.2022

rkm
Index:yes/no
Speaking/non-speaking

To

1. The District Collector,
O/o.the District Collector,
Kallakurichi District.
2. The Tahsildar,
O/o. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.



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and
D.KRISHNAKUMAR, J.
rkm

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